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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,730	03/06/2002	Robert De France	DELRI/109/US	9761

2543 7590 02/26/2003

ALIX YALE & RISTAS LLP  
750 MAIN STREET  
SUITE 1400  
HARTFORD, CT 06103

EXAMINER

FIGUEROA, FELIX O

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,730

Applicant(s)

DE FRANCE, ROBERT

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 13-17 have been renumbered 14-18. Although the dependency of claim 15 has been change to depend on claim 14, applicant is required to verify and correct the dependency of the claims, if necessary.

Claim 15 is objected to because of the following informalities: in claim 15 line 1, "claim" (second occurrence) should be --clamp--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Izraeli (US 4,103,986).

Izraeli teaches a connector having a base having a spade connector (104) defining an opening (106) and comprising a fixed jaw (52) and a first guide portion (38); a movable member (76) defining a receiving cavity (between 52 and the movable

Art Unit: 2833

member) and comprising a movable jaw (78) and a second guide portion (80,82), at least partially defined by the receiving cavity, the second guide portion receiving the first guide portion, wherein the first and second guide portions are configured for sliding engagement to guide longitudinal movement of the movable member with respect to the base; the first portion comprising a pair of opposing channels and the second portion comprising a pair of opposing ribs (80,82); securement means (threads) for securing the base and the movable member; and a bolt extending through the opening to provide an easier installation of the base.

Regarding claim 14, Izraeli discloses a cable secured to the ground connector in an orientation perpendicular to the movement of the movable member.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izraeli.

Izraeli disclose the first guide portion having cooperating channels and the second guide portion having ribs. Izraeli discloses substantially the claimed invention except for the first guide portion having the ribs and the second guide portion having cooperating channels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to invert the location of the ribs and the channels,

since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claims 9-13,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barron (US 4,768,963) in view of Izraeli.

Barron discloses a ground connection installation comprising: a transformer (14) having a ground connecting means (12); a base (5) having a spade connector (3) and a fixed jaw (left side of 6, in Fig.2) and a first guide portion (7); a movable member (9) comprising a movable jaw (tip of 11) and a second guide portion (11); wherein the first and second guide portions are configured for sliding engagement to guide longitudinal movement of the movable member with respect to the base; and securement means (threads) for securing the base and the movable member. However, Barron does not disclose the base with the spade connector defining an opening and a bolt extending through the opening.

Izraeli teaches a connector having a base having a spade connector (104) defining an opening (106) and comprising a fixed jaw (52) and a first guide portion (38); a movable member (76) defining a receiving cavity (between 52 and the movable member) and comprising a movable jaw (78) and a second guide portion (80,82), at least partially defined by the receiving cavity, the second guide portion receiving the first guide portion, wherein the first and second guide portions are configured for sliding engagement to guide longitudinal movement of the movable member with respect to the base; the first portion comprising a pair of opposing channels and the second portion comprising a pair of opposing ribs (80,82); securement means (threads) for securing the

base and the movable member; and a bolt extending through the opening to provide an easier installation of the base.

Izraeli shows that a connector base having a spade connector with an opening is an art recognized equivalent structure for the ground connector of Barron. Therefore, because these two connectors were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of the connector of Izraeli for the connector of Barron to complete the ground connection.

Regarding claims 10 and 11, both Barron and Izraeli disclose a cable secured in the clamp, and a portion of the cable in the clamp being tangential to the transformer housing.

Regarding claim 12, Izraeli disclose the first guide portion having cooperating channels and the second guide portion having ribs. Izraeli discloses substantially the claimed invention except for the first guide portion having the ribs and the second guide portion having cooperating channels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to invert the location of the ribs and the channels, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 13, Barron discloses substantially the claimed invention except for a threaded opening instead of the welded nut. It would have been obvious to one of ordinary skill in the art to use a welded nut instead of a threaded opening, since applicant has not disclosed that such design solves any stated problem or is for any particular purpose. Absent any convincing showing of the criticality of the design, this

particular design is nothing more than the inventor's choice without thereby departing from the scope of the invention. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

Regarding claim 16, Izraeli discloses the fixed jaw and the movable jaw being defined by a pair of intersecting surfaces.

Regarding claim 17, Izraeli discloses the securement means comprising a first bolt engageable with the movable member.

Regarding claim 18, Izraeli discloses the movable member defining a longitudinal axis and the spade connector defining a plane orthogonal to the axis.

### ***Response to Arguments***

Applicant's arguments filed 8/13/02 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim 9 (that a prima facie case has not been established) have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments that Izraeli does not have "at least a first guide portion 92 as a component of the saddle member 52 having a spade connector 104, nor is the second guide portion 84 defined by the receiving cavity", please note that constructions united by means such as fastening and welding are considered one component. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). Thus, the first guide portion is considered a component of the saddle member with the spade connector. Additionally, the second guide portion is part of and extends from the movable jaw that

Art Unit: 2833

defines part of the cavity, so, the second guide portion is considered as partly defined by the receiving cavity.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Auclair (US 4,784,621) and Shemtov (US 4,159,859) disclose ground connectors.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.




Art Unit: 2833

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

ffr  
February 20, 2003



RENEE LUEBKE  
PRIMARY EXAMINER